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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/411,171
Filing Date: October 01, 1999
Appellant(s): MAZHAR ET AL.

Kasey C. Christie
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/24/07 appealing from the Office action mailed 05/04/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

RealPlayer G2 TM @1998. pp. 1-2

Realnetworks Ships Final Release of Realsystem G2, Next Generation Media Delivery System" (Nov 13, 1998), pp. 1-3

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 22-42 are rejected under 35 U.S.C. 103(a) as obvious over RealPlayer G2™ ©1998 (hereinafter RealPlayer) as supported by the screenshots provided along with the original PTO-892 Notice of References cited and the press release “Realnetworks Ships Final Release of Realsystem G2, Next Generation Media Delivery System” (hereinafter Press Release) provided with the PTO-892 Notice of References cited.

Regarding to claim 22, RealPlayer discloses a computer system having a display device for rendering a graphical user interface of a Web browser displaying Web page content in a browser pane, and having at least one speaker for playing streaming media, the graphical user interface comprising: [RealPlayer is a program that accesses data and files (audio and video files) from the World Wide Web. It reads and processes hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser pane (see screenshot 2, right half)]; a radio toolbar displaying radio-toolbar buttons for controlling the streaming media irrespective of the Web page content being browsed, the radio-toolbar buttons including: a play/stop button enabled to toggle between play and stop to control, respectively, playing and stopping of available streaming media and disabled when streaming media is unavailable [i.e. the play button, mute button, and Presets menu in screenshot 2]; a mute button for instructing the Web browser to silence streaming media, the mute button assuming an inactive state if the computer system cannot modify volume and an active state otherwise; a volume slider for controlling the volume of streaming media played over the speaker, the volume slider assuming an inactive state

Art Unit: 2173

if the computer system cannot modify volume and an active site otherwise It is not explicitly shown in the screenshots of RealPlayer, but it is implicitly implied that the radio toolbar of RealPlayer has at least one button for controlling the first source of streaming media irrespective of the web page content being browsed. It is apparent that the user may play streaming media, from the "Presets" menu for example, while the Web page content being browsed within screenshot 2 concerns the auto update feature of RealPlayer. The preset stations and the auto update feature are irrespective of each other. As another example, the user of RealPlayer may search the Web while playing the streaming media, as indicated by the "excite" and "search" areas within screenshot 2. This is further supported in page 2 of the Press Release under the section "RealAudio and RealVideo Search", which describes integrating the RealPlayer with a Web browser The current streaming media will continue to play until the user selects a different streaming media from the search results. Furthermore, controls are provided in RealPlayer for stopping, muting, and changing the volume of the first source of streaming media (Fig. 2), which does not affect the content displayed in the minibrowser (right portion of Fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art to ensure the buttons in the radio toolbar of RealPlayer control the first source of streaming media irrespective of the Web page content being browsed, such that the browsing does not interrupt the play of the streaming media and the streaming media does not interrupt the browsing of the Web page]; a radio-stations button selectable to alter a source of streaming media by providing a drop-down list that includes an "add station to favorites" entry and a list of recently used radio stations; and an information area displaying a status text component and a status icon component, the status text component presenting meta data information associated with a streaming media source, the status icon

Art Unit: 2173

component presenting an Internet connection status regarding the streaming media source; and b) a cursor controllable by a user to select the radio-toolbar buttons, the cursor configured to highlight a radio-toolbar button while passing over that radio-toolbar button and to display a rollover tool tip describing a corresponding function of the highlighted radio-toolbar button [The graphical user interface comprises a radio button toolbar tool tip for displaying buttons capable of controlling said first source of streaming media (i.e. the play button, mute button, and Presets menu in screenshot 2)].

Regarding to claim 23, RealPlayer discloses wherein the rollover tool tip for the play/stop button is "play" when the play/stop button is toggled stop, and "stop" when the play/stop button is toggled to play The Channels bar is registered with the Web browser (RealPlayer) as a band object. The explorer bar allows user input regarding the first source of streaming media irrespective of the Web page content present in the browser pane. For example, the user may select the first source of streaming media to be from the "Video Music Network" (screenshot 2) while searching for other streaming media as described above.

Regarding to claim 24, RealPlayer discloses wherein the rollover tool tip for the mute button is "mute" when the mute when mute button is active [i.e. the play button, mute button, and Presets menu in screenshot 2].

Regarding to claim 25, RealPlayer discloses wherein the rollover tool tip for the volume slider is "volume control" (see slider above mute button in screenshot 2).

Regarding to claim 26, RealPlayer discloses wherein the rollover tool tip for the radio button when the radio button is active (see Channels bar in screenshots 2 and 3).

Regarding to claim 27, RealPlayer discloses wherein the gui further comprises an “add to favorites” dialog box initiated by a selection. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a favorites song into the list RealPlayer, in order to enhance the capabilities of the best song selection by the user.

Regarding to claim 28, RealPlayer discloses wherein the status icon component presenting the Internet connection status a default icon of a streaming media source if the streaming media current playing. The graphical user interface shows a status bar showing a current status for the connection of buffering(see bottom of screenshot 2).

As claims 29-42 are analyzed as previously discussed with respected to claims 22-28.

(10) Response to Argument

At pages 16-17 of the brief, Applicant’s argues that there is nothing suggests that RealPlayer’s launching an instance of Web browser, creating a radio client upon the launching of the Web browser, establishing a shared memory on the computer system between the radio client and the radio server to maintain a current playback-state of the radio server and/or retrieving a URL to the radio station from the shared memory. However, the The minibrowser of RealPlayer clearly shows a display area for displaying web page content. Any content that is displayed in this area may be seen and read by the user, and is therefore being browsed. This content may include the search results from the "Excite" search. The user is not required to select one of the results; rather the user has the option of playing a source of streaming media from a preset channel, for example. Therefore, the user may browse web page content or URL that is displayed in the minibrowser without affecting the source of streaming media (i.e. the source of

Art Unit: 2173

streaming media and the content being displayed and browsed are irrespective of one another). Even if the search results of RealPlayer are displayed in a separate browser window, the tight integration of RealPlayer and the web browser, as described in page 2 of the Press Release, make the browser window and the RealPlayer window a single graphical interface, especially considering that RealPlayer and the browser are both part of the same operating system from the shared memory.

At pages 17-18 of the brief, Applicant's argues that there is nothing suggests that RealPlayer's inactivating the mute button if the computer system cannot modify streaming media playback volume and activating the mute button otherwise, and/or inactivating the volume slider if the computer system cannot modify streaming media playback volume. Applicant argues that there is no physical location available to display web page content in RealPlayer. However, RealPlayer supports this teaching by showing the mute button can be in the toolbar, when the view is set to Compact Mode (screenshot 4) and the section to the right in (screenshot 2) shows hyperlinks and web content and is a minibrowser. The fact that this pane may be used to display media from a selected channel on the let does not take away from the fact that the pane may show web content. In fact, the media displayed in the pane is a form of web content, and RealPlayer still shows buttons for controlling the source of streaming media (i.e. volume and mute) that control the sound of the streaming media irrespective of what is displayed in the minibrowser pane.

At pages 18-19 of the brief, Applicant's argues that there is nothing suggests that RealPlayer's the radio-stations button being adjacent to the volume slider; and the information area being adjacent to the radio-stations button; the graphical user interface further comprises at

Art Unit: 2173

least one explorer bar for providing a display area adjacent to the browser pane; the graphical user interface further comprises a menu bar for allowing user control of the Web browser and the Webpage; the graphical user interface further comprises a navigation toolbar that allows user navigation of the Web page; the graphical user interface further comprises an address bar identifying an address for the Web page being displayed by the Web browser in the browser pane; and the graphical user interface further comprises a status bar showing a current status for the Web page. However, the examiner respectfully disagrees. RealPlayer further comprises at least one explorer bar for providing a display area adjacent to the browser pane, which is capable of displaying information and allowing user interaction (see Channels bar and Search bar in (screenshot 2)). The graphical user interface of the Web browser (RealPlayer), further comprises a menu bar that includes a plurality of menu entries: File, View, Options (Tools), Presets (Favorites), Sites (Favorites), and Help. The Presets and Sites menu entries both provide links to commonly navigated sites on the Web, just as the Favorites menu entry. It would have been obvious to group the Presets and Sites menu entries of RealPlayer into one menu entry and to add the Edit menu entry in order to provide cut and paste operations as is done in the Internet Explorer TM browser. The graphical user interface shows a status bar showing a current status for the Web page (see bottom of screenshot 2). RealPlayer shows a minibrowser, which does not include a standard-button toolbar consisting of navigation-toolbar buttons: Back, Forward, Stop, Refresh, Home, Search, History, Print, Mail, and Edit. RealPlayer also does not show an address bar identifying an address for the Web page being displayed by the Web browser in the browser pane. However, RealPlayer teaches launching a Web browser, such as Netscape Navigator "or Internet Explorer TM, when the user selects a site from the Sites menu. Page 2 of the Press

Art Unit: 2173

Release under the section "RealAudio and RealVideo Search" further describes integrating the RealPlayer with a Web browser. Internet Explorer TM includes the standard-button toolbar and an address bar. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the standard-button toolbar and address bar in the minibrowser of RealPlayer, in order to enhance the capabilities of the minibrowser and prevent the user from having to switch between windows.

At pages 21-30 of the brief, Applicant's argues that there is nothing suggests that RealPlayer's play, pause, stop and /or bottom control. However, the limitations as claimed which read on "Autoupdates is simply content that is shown in a minibrowser (right half of screenshot 2) of RealPlayer. Since a "Preset" does nothing more than change between channels (sources) of Page 8 media, the selection of a Preset" would not have changed the content in the minibrowser of RealPlayer. Since the user sees the content that is present in the minibrowser, the content that is displayed in the minibrowser is the content that is browsed. Therefore, selection of a "preset" controls the source of streaming media irrespective of the content being browsed (i.e. selection of a "Preset" does not depend on the content in the minibrowser). Applicant argues that the screenshots do not show RealPlayer playing the streaming media. While the screenshots show Reaplayer at a time where it may not be playing media, the screenshots clearly show the interface of RealPlayer and the capability to display content in a minibrowser and control the source of streaming media, wherein controlling the source of streaming media is not dependent on the content displayed in the minibrowser. As a further example, RealPlayer shows a volume control that clearly controls the volume of the source of streaming media and does not affect

Art Unit: 2173

what is displayed in the minibrowser (i.e. controlling the source of streaming media irrespective of the content being browsed).

At pages 21-30 of the brief, Applicant argues that the web page content being browsed in RealPlayer is not the web page content being displayed. It is unclear as to how web page content may be browsed without being displayed. The minibrowser of RealPlayer clearly shows a display area for displaying web page content. Any content that is displayed in this area may be seen and read by the user, and is therefore being browsed. This content may include the search results from the "Excite" search. The user is not required to select one of the results; rather the user has the option of playing a source of streaming media from a preset channel, for example. Therefore, the user may browse web page content that is displayed in the minibrowser without affecting the source of streaming media (i.e. the source of streaming media and the content being displayed and browsed are irrespective of one another). Even if the search results of RealPlayer are displayed in a separate browser window, the tight integration of RealPlayer and the web browser, as described in page 2 of the Press Release, make the browser window and the RealPlayer window a single graphical interface, especially considering that RealPlayer and the browser are both part of the same operating system (graphical interface).

At pages 21-30 of the brief, Applicant argues that there is no physical location available to display web page content in RealPlayer. However, the section to the right in screenshot 2 shows hyperlinks and webcontent and is a minibrowser. The fact that this pane may be used to display media from a selected channel on the does not take away from the fact that the pane may show web content. In fact, the media displayed in the pane is a form of web content, and RealPlayer still shows buttons for controlling the source of streaming media (i.e. volume and

Art Unit: 2173

mute) that control the sound of the streaming media irrespective of what is displayed in the minibrowser pane.

At pages 21-30 of the brief, Applicant argues that the RealPlayer G2 is not a Web browser; however the limitations as claimed set forth to read on "a program that accesses data and files (audio and video files) from the World Wide Web. It reads and processes hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser pane (see screenshot 2, right half)." The Realnetworks and Autoupdate feature is described. It explains how the user is first notified of an update, and then must click to install the update (one button away"). The Examiner never clicked to update the RealPlayer as can be seen in the title bar that states "Realplayer G2". The title bar does not show RealPlayer 7 or the G2. The Autoupdate provides notification of available updates, and therefore the reference to RealPlayer 8 in screenshots 2-5 simply notifies the user (Examiner) of versions of RealPlayer that were available at the time of the examination.

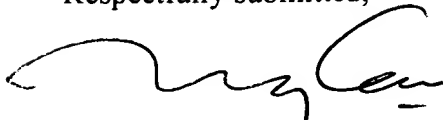
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2173

Respectfully submitted,



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November 6, 2007

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